

Exhibit 1

Plaintiff's Deposition Transcript Excerpts

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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MICHAEL ESTRADA, individually
and on behalf of others
similarly situated,

Plaintiff,

vs.

CIVIL ACTION NO.: 12-604

MAGUIRE INSURANCE AGENCY, ECF CASE
INC.,

Defendant.

-----x

DATE: November 26, 2012

TIME: 9:56 a.m.

Deposition of:

MICHAEL ESTRADA

called for oral examination by counsel for
Defendant, pursuant to Notice, held at the
office of CONRAD, O'BRIEN, GELLMAN & ROHN, 1500 Market
Street, Centre Square, West Tower, Suite 3900,
Philadelphia, Pennsylvania, before CORINNE J. BLAIR, a
CRR, CCR, RPR, CLR, of Capital Reporting Company, and
a Notary Public of the Commonwealth of Pennsylvania.

<p style="text-align: right;">18</p> <p>1 M. ESTRADA</p> <p>2 Q During what time period did you work for</p> <p>3 Philadelphia?</p> <p>4 A June 2008 till December of 2011, I</p> <p>5 believe.</p> <p>6 Q And by "Philadelphia," you're referring to</p> <p>7 the defendant in this case?</p> <p>8 A Correct.</p> <p>9 Q And you resigned or you quit your job at</p> <p>10 Philadelphia; is that correct?</p> <p>11 A Correct.</p> <p>12 Q If I refer to it as "Philadelphia," you'll</p> <p>13 understand I'm talking about the defendant?</p> <p>14 A Yes.</p> <p>15 Q Okay. Perfect.</p> <p>16 A Yes. Please.</p> <p>17 Excuse me. Do you mind if I use the</p> <p>18 restroom?</p> <p>19 MS. BLOOM: No. I do not mind.</p> <p>20 THE WITNESS: Okay.</p> <p>21 (A brief recess was taken from</p> <p>22 10:09 a.m. until 10:13 a.m.)</p> <p>23 MS. BLOOM: Back on the record.</p> <p>24 BY MS. BLOOM:</p> <p>25 Q I should have mentioned that if you need</p>	<p style="text-align: right;">20</p> <p>1 M. ESTRADA</p> <p>2 Philadelphia?</p> <p>3 A No. I think I started noticing something,</p> <p>4 but no. I think I was at Philadelphia when I was</p> <p>5 diagnosed.</p> <p>6 Q When you resigned your position at</p> <p>7 Philadelphia, did you have another job?</p> <p>8 A No.</p> <p>9 Q And why did you resign your position?</p> <p>10 A I just felt it was time to leave.</p> <p>11 Q Any other reason?</p> <p>12 A No.</p> <p>13 Q Other than your attorneys, who else have</p> <p>14 you spoken to about this case?</p> <p>15 A Nobody.</p> <p>16 I'm sorry. My best friend.</p> <p>17 Q Anybody else?</p> <p>18 A No.</p> <p>19 Q And who's your best friend?</p> <p>20 A Mark Griswold.</p> <p>21 Q And where does Mr. Griswold live?</p> <p>22 A He lives in Coppel, I believe.</p> <p>23 Q In Texas?</p> <p>24 A Texas, yes.</p> <p>25 Q Has he ever worked for Philadelphia or any</p>
<p style="text-align: right;">19</p> <p>1 M. ESTRADA</p> <p>2 to take a break at any time, just let me know, but</p> <p>3 you should not take a break while there's a question</p> <p>4 pending, so answer the question and then you can</p> <p>5 certainly take a break.</p> <p>6 A Okay. I'm sorry about that.</p> <p>7 Q No. No problem at all.</p> <p>8 Are you taking any medication today?</p> <p>9 A Tramadol.</p> <p>10 Q I'm sorry?</p> <p>11 A Tramadol.</p> <p>12 Q And why are you taking Tramadol?</p> <p>13 A For RLS.</p> <p>14 Q And does that affect your ability to</p> <p>15 understand questions and provide truthful answers?</p> <p>16 A Not at all.</p> <p>17 (Clarification requested by the court reporter.)</p> <p>18 THE WITNESS: Restless leg syndrome.</p> <p>19 BY MS. BLOOM:</p> <p>20 Q How long have you had RLS?</p> <p>21 A Maybe four years now.</p> <p>22 Q Did you have that while you worked for</p> <p>23 Philadelphia?</p> <p>24 A Yes.</p> <p>25 Q Did you have it before you worked for</p>	<p style="text-align: right;">21</p> <p>1 M. ESTRADA</p> <p>2 of its affiliates?</p> <p>3 A No.</p> <p>4 Q What does he do?</p> <p>5 A He's a claim adjuster, as well.</p> <p>6 Q For what company?</p> <p>7 A Direct General.</p> <p>8 Q And what have you told him about this</p> <p>9 case?</p> <p>10 A Just little things about, you know, when I</p> <p>11 had meetings with the attorney's office. You know,</p> <p>12 when I was coming here for the trip. He's the one</p> <p>13 that took me to the airport and is taking care of my</p> <p>14 dog while I'm here. Nothing specific.</p> <p>15 Q Have you been in contact with anybody that</p> <p>16 either currently works for or has worked for</p> <p>17 Philadelphia?</p> <p>18 A Yes.</p> <p>19 Q Who?</p> <p>20 A Tamisha Williams. And Shakelia Hayes.</p> <p>21 Q Anybody else?</p> <p>22 A No.</p> <p>23 Q Have you told Tamisha about this lawsuit?</p> <p>24 A No.</p> <p>25 Q Have you mentioned anything about the fact</p>

<p style="text-align: right;">22</p> <p>1 M. ESTRADA</p> <p>2 that you're suing the company?</p> <p>3 A I think I might have when I first filed, I</p> <p>4 might have mentioned it to her, but since then no.</p> <p>5 Q Does Tamisha still work for the company?</p> <p>6 A Yes.</p> <p>7 Q What's her job?</p> <p>8 A She's a claims assistant.</p> <p>9 Q And did she work for the company when you</p> <p>10 were employed?</p> <p>11 A Yes.</p> <p>12 Q And what was her position then?</p> <p>13 A Claims assistant.</p> <p>14 Q Was she your claims assistant?</p> <p>15 A Yes.</p> <p>16 Q You were employed by Philadelphia as a</p> <p>17 claims adjuster; is that correct?</p> <p>18 A Claims examiner.</p> <p>19 Q Did you hold any other positions?</p> <p>20 A At Philadelphia?</p> <p>21 Q Correct.</p> <p>22 A No.</p> <p>23 Q And you were hired as a claims examiner?</p> <p>24 A Yes.</p> <p>25 Q And Tamisha, you supervise Tamisha; is</p>	<p style="text-align: right;">24</p> <p>1 M. ESTRADA</p> <p>2 Q And what contact have you had with her?</p> <p>3 A We went to lunch for my birthday in</p> <p>4 October. Just personal.</p> <p>5 Q And what have you told her about this</p> <p>6 lawsuit?</p> <p>7 A Nothing. Haven't talked to her about it.</p> <p>8 Q Have you put her in contact with your</p> <p>9 lawyers?</p> <p>10 A No.</p> <p>11 Q Have you put Tamisha in contact with your</p> <p>12 lawyers?</p> <p>13 A No.</p> <p>14 Q I had asked whether you've spoken to</p> <p>15 anybody else who either is or was employed by the</p> <p>16 company.</p> <p>17 Have you communicated in any other</p> <p>18 way, other than speaking; like, for example, texting</p> <p>19 or e-mailing?</p> <p>20 A Just personal conversations. Texting and</p> <p>21 e-mail.</p> <p>22 Q With who?</p> <p>23 A Shakelia and Tamisha.</p> <p>24 Q Anybody else?</p> <p>25 A No.</p>
<p style="text-align: right;">23</p> <p>1 M. ESTRADA</p> <p>2 that correct?</p> <p>3 A No.</p> <p>4 Q She worked for you though?</p> <p>5 A She worked for my team, the entire team.</p> <p>6 Q Did you give her things to do?</p> <p>7 A Yes.</p> <p>8 Q You worked in what office?</p> <p>9 A The Addison, Texas office.</p> <p>10 Q Did you ever work in any offices other</p> <p>11 than the Addison, Texas office?</p> <p>12 A No.</p> <p>13 Q And Tamisha also worked in the Addison</p> <p>14 office?</p> <p>15 A Yes.</p> <p>16 Q Did you know anybody that worked in any of</p> <p>17 the other offices?</p> <p>18 A No.</p> <p>19 Q Did you ever visit any of the other</p> <p>20 offices?</p> <p>21 A No.</p> <p>22 Q Who is a Shakelia Hayes?</p> <p>23 A She was a claims examiner in my same team.</p> <p>24 Q And is she still working for the company?</p> <p>25 A Yes. As far as I know, yes.</p>	<p style="text-align: right;">25</p> <p>1 M. ESTRADA</p> <p>2 Q Have you kept copies of those texts and</p> <p>3 e-mails?</p> <p>4 A No.</p> <p>5 Q Have you given your attorneys the names of</p> <p>6 of any either current or former employees of the</p> <p>7 company?</p> <p>8 A Yes.</p> <p>9 Q Who's names --</p> <p>10 MS. COHEN: Objection. Privileged.</p> <p>11 BY MS. BLOOM:</p> <p>12 Q Which names?</p> <p>13 MR. WILEY: Don't answer.</p> <p>14 MS. BLOOM: You're directing him not to</p> <p>15 answer the question as to which names he's</p> <p>16 given you?</p> <p>17 MS. COHEN: To the extent that he had a</p> <p>18 conversation with me as his attorney, yes.</p> <p>19 MS. BLOOM: I'm not asking for the</p> <p>20 substance of the conversation. I'm just asking</p> <p>21 for the identification of names.</p> <p>22 MS. COHEN: No, I'm instructing him not to</p> <p>23 answer.</p> <p>24 BY MS. BLOOM:</p> <p>25 Q Have you or has anybody on your behalf</p>

<p style="text-align: right;">26</p> <p>1 M. ESTRADA</p> <p>2 gotten any sworn statements from any current or</p> <p>3 former employees of the company?</p> <p>4 A No.</p> <p>5 Q Do you know any employees of -- of the</p> <p>6 company, either current or former, other than people</p> <p>7 who worked in the Addison, Texas office?</p> <p>8 A Personally or -- I know of names, but I've</p> <p>9 never met or spoken to them before.</p> <p>10 Q What are the names of the people that you</p> <p>11 know that either work for or have worked for the</p> <p>12 company outside of the Texas office?</p> <p>13 A I don't recall anymore because I never</p> <p>14 really talked to them.</p> <p>15 Q Do you have any kind of a list anywhere?</p> <p>16 A No.</p> <p>17 Q Have you ever had a list?</p> <p>18 A No.</p> <p>19 Q And so sitting here today, you can't</p> <p>20 remember anybody's name --</p> <p>21 A No.</p> <p>22 Q -- outside of Texas?</p> <p>23 A No.</p> <p>24 Q Do you know the names of anybody else in</p> <p>25 the Texas office?</p>	<p style="text-align: right;">28</p> <p>1 M. ESTRADA</p> <p>2 don't know what it's called. And we should have</p> <p>3 been paid overtime.</p> <p>4 Q What made you bring this lawsuit?</p> <p>5 A I went and spoke to an attorney about</p> <p>6 another issue and, um, we happened to talk about</p> <p>7 this as well.</p> <p>8 Q What attorney was that?</p> <p>9 A Rob Wiley, P.C.</p> <p>10 Q You understand that you are the lead</p> <p>11 plaintiff in this case?</p> <p>12 A Yes.</p> <p>13 Q What does that mean to you?</p> <p>14 A That I'm the first one bringing the suit</p> <p>15 against the company.</p> <p>16 Q What is your understanding of your</p> <p>17 obligations as the lead plaintiff?</p> <p>18 A I don't know.</p> <p>19 Q What are you hoping to get as a result of</p> <p>20 this suit?</p> <p>21 A Overtime pay that was due.</p> <p>22 Q Anything else?</p> <p>23 A No.</p> <p>24 Q When did you first start working for</p> <p>25 Philadelphia?</p>
<p style="text-align: right;">27</p> <p>1 M. ESTRADA</p> <p>2 A Yeah.</p> <p>3 Q Who?</p> <p>4 A Just the names of the people there?</p> <p>5 Q Yeah.</p> <p>6 A Dee Stewart. Caroline. I believe her</p> <p>7 name last name is Jackson. Vicky Manning. Craig</p> <p>8 Olleck. Marvel Webb, M-A-R-V-E-L. I said Caroline.</p> <p>9 Those others, I just can't recall them right now.</p> <p>10 It's not people I dealt with all the time.</p> <p>11 Q It is or is not?</p> <p>12 A Is not.</p> <p>13 Q Did you maintain any kind of a list?</p> <p>14 A No.</p> <p>15 Q Do you have any records which would</p> <p>16 reflect the people that you worked with when you</p> <p>17 worked for Philadelphia?</p> <p>18 A No.</p> <p>19 Q What is your understanding about the</p> <p>20 allegations that you're making in this case?</p> <p>21 A What do you mean?</p> <p>22 Q What are you suing for?</p> <p>23 A Um, we are -- or, in the job I'm in, we</p> <p>24 are exempt. We're totally exempt. And are not</p> <p>25 actually exempt under the administration -- um, I</p>	<p style="text-align: right;">29</p> <p>1 M. ESTRADA</p> <p>2 A In June.</p> <p>3 Q Of?</p> <p>4 A 2008. I believe it was June 9th of 2008.</p> <p>5 Q And you said you were hired to be a claims</p> <p>6 examiner; is that right?</p> <p>7 A Correct.</p> <p>8 Q What was your understanding as to the</p> <p>9 claims examiner position?</p> <p>10 A I would handle auto claims, Fast Track</p> <p>11 auto claims, minor accidents. Mostly parking lot</p> <p>12 type accidents for the Fast Track group.</p> <p>13 Q And how did you learn about the position?</p> <p>14 A I was called. I was actually working with</p> <p>15 United Auto Insurance Group and I received a call</p> <p>16 from someone with Philadelphia Insurance who told me</p> <p>17 about the position, and asked if I was interested.</p> <p>18 Q And what was it about the position that</p> <p>19 was interesting to you?</p> <p>20 A It was different than what I had worked</p> <p>21 before. It was commercial lines insurance as</p> <p>22 opposed to personal auto insurance.</p> <p>23 Q And what about that was interesting?</p> <p>24 A It's a different -- it's a -- I guess you</p> <p>25 could make more money in commercial insurance than</p>

<p style="text-align: right;">34</p> <p>1 M. ESTRADA</p> <p>2 Q So you knew in going to Philadelphia that</p> <p>3 this was going to be a change?</p> <p>4 A Yes.</p> <p>5 Q Under your experience at United, you say,</p> <p>6 "Investigation of third-party auto accidents and</p> <p>7 resolving claims made against the insured's policy,</p> <p>8 negotiate settlement with third parties once</p> <p>9 coverage and liability have been determined."</p> <p>10 That's what you were doing at United</p> <p>11 Auto Insurance Company?</p> <p>12 A Yes.</p> <p>13 Q And what, if anything, about that</p> <p>14 experience did you believe was going to be helpful</p> <p>15 at Philadelphia?</p> <p>16 A Handling the claims, the auto accidents.</p> <p>17 Q Why?</p> <p>18 A Because I had -- because of the experience</p> <p>19 I got in doing that with United Auto.</p> <p>20 Q So the experience negotiating settlements?</p> <p>21 A Yes.</p> <p>22 Q And when you were investigating and</p> <p>23 resolving claims at United Auto Insurance Company,</p> <p>24 how did you go about that process?</p> <p>25 A I'm sorry?</p>	<p style="text-align: right;">36</p> <p>1 M. ESTRADA</p> <p>2 claims.</p> <p>3 Q When you say "Fast Track," what does that</p> <p>4 mean?</p> <p>5 A Simple claims. Easy claims that, you</p> <p>6 know, insured backed into a parked vehicle. Nothing</p> <p>7 that -- that involves a lot of investigation. Who</p> <p>8 ran a red light. Anything like that.</p> <p>9 Q When you got the job at Philadelphia, who</p> <p>10 did you work for; who was your immediate boss?</p> <p>11 A Mona Born.</p> <p>12 Q And were there other claims examiners that</p> <p>13 worked for Mona?</p> <p>14 A Yes.</p> <p>15 Q Who were they?</p> <p>16 A Craig Olleck, Vicky Manning. I think she</p> <p>17 was transitioning from an admin person to an</p> <p>18 adjuster at that time when I started.</p> <p>19 Q Anybody else?</p> <p>20 A Marvel Webb. And I believe Shakelia Hayes</p> <p>21 came shortly after I did.</p> <p>22 Q Did you handle any claims involving rental</p> <p>23 cars?</p> <p>24 A Not that I can recall. Rent a cars being</p> <p>25 damaged?</p>
<p style="text-align: right;">35</p> <p>1 M. ESTRADA</p> <p>2 Q At United Auto, how did you go about that</p> <p>3 process?</p> <p>4 A I'm sorry. What was the process?</p> <p>5 Q How did you go about the process of</p> <p>6 investigating and resolving claims?</p> <p>7 A Oh. I would contact both parties, the</p> <p>8 claimant and insured, and get their statements on</p> <p>9 how the accident happened; the police report, if</p> <p>10 there is one, and make a liability decision. If</p> <p>11 there's coverage, then we would settle the claim.</p> <p>12 Q And you say "make a liability</p> <p>13 determination," what do you mean?</p> <p>14 A Deciding who's at fault.</p> <p>15 Usually, if there's a police report,</p> <p>16 we usually went by the police report.</p> <p>17 Q And then what would you do?</p> <p>18 A Get an appraiser out there to do an</p> <p>19 estimate on the damages, and pay the claim if</p> <p>20 liability was accepted.</p> <p>21 Q Now, when you applied for the job at</p> <p>22 Philadelphia, what, if anything, did you understand</p> <p>23 you would be doing?</p> <p>24 A Handling minor claims in like parking</p> <p>25 lots, just Fast Track simple claims. Non-injury</p>	<p style="text-align: right;">37</p> <p>1 M. ESTRADA</p> <p>2 Q Correct?</p> <p>3 A No, not that I recall.</p> <p>4 Q Was there anybody besides Mona who was</p> <p>5 responsible for supervising claims examiners in the</p> <p>6 Addison office?</p> <p>7 A Yeah. Rodger Terry.</p> <p>8 Q And did he supervise a different group of</p> <p>9 people?</p> <p>10 A Correct.</p> <p>11 Q And did that group have responsibility for</p> <p>12 handling damage to rental cars?</p> <p>13 A Yes.</p> <p>14 Q What state or states were you responsible</p> <p>15 for?</p> <p>16 A There was quite a few of them. I don't</p> <p>17 recall them all. It's been awhile.</p> <p>18 Q Well, can you recall any of them?</p> <p>19 A Yeah. There was Colorado, I believe.</p> <p>20 California, Florida, Washington. New Mexico, I</p> <p>21 think. That's all I can recall right now.</p> <p>22 Q Now, did you understand that when you</p> <p>23 started working for Philadelphia that you would also</p> <p>24 be responsible for investigating claims?</p> <p>25 A Yes.</p>

<p style="text-align: right;">38</p> <p>1 M. ESTRADA</p> <p>2 Q And you would also be responsible for</p> <p>3 talking to the insured?</p> <p>4 A Yes.</p> <p>5 Q And you would also be responsible for</p> <p>6 making a determination as to liability?</p> <p>7 A Yes.</p> <p>8 Q And you'd also be responsible for getting</p> <p>9 an appraiser -- an appraisal, if one needed to be</p> <p>10 gotten?</p> <p>11 A Yes.</p> <p>12 Q Are you familiar with the concept of</p> <p>13 comparative negligence?</p> <p>14 A Yes.</p> <p>15 Q And what does that mean in terms of</p> <p>16 resolving automobile claims?</p> <p>17 A Um, usually it's if both parties played</p> <p>18 some part of the accident, you would determine,</p> <p>19 percentage-wise, who was more at fault and who was</p> <p>20 less at fault. And I guess a percentage of the</p> <p>21 damages would be paid, as opposed to a hundred</p> <p>22 percent of it.</p> <p>23 Q And were you responsible for determining</p> <p>24 percentages in comparative negligence jurisdictions?</p> <p>25 A Um, if I had some.</p>	<p style="text-align: right;">40</p> <p>1 M. ESTRADA</p> <p>2 Q And you were licensed in Florida; is that</p> <p>3 right?</p> <p>4 A Correct.</p> <p>5 Q Why?</p> <p>6 A I don't know. They told us to get</p> <p>7 licensed in Florida.</p> <p>8 Q Can you handle claims in Florida without a</p> <p>9 license?</p> <p>10 A Not that I'm aware of, no.</p> <p>11 Q Did any of the other jurisdictions that</p> <p>12 you were responsible for require a license?</p> <p>13 A Not that I'm aware of.</p> <p>14 Q Now, in terms of Rodger Terry's team, they</p> <p>15 were responsible for different states; is that</p> <p>16 correct?</p> <p>17 A Yes.</p> <p>18 Q And do you know what states those were?</p> <p>19 A No.</p> <p>20 Q And of the states that Rodger Terry's team</p> <p>21 was responsible for, which of those states required</p> <p>22 licenses?</p> <p>23 A I have no idea.</p> <p>24 Q Which of those states had comparative</p> <p>25 negligence statutes?</p>
<p style="text-align: right;">39</p> <p>1 M. ESTRADA</p> <p>2 Q Well, which of the jurisdictions that you</p> <p>3 were responsible for were comparative negligence</p> <p>4 jurisdictions?</p> <p>5 A I don't recall.</p> <p>6 Q But you're aware that some of them were?</p> <p>7 A Yes.</p> <p>8 Q Okay. And as to the ones that were part</p> <p>9 of your duties and responsibilities, were one, to</p> <p>10 determine that it was a comparative negligence</p> <p>11 jurisdiction; correct?</p> <p>12 A Yes.</p> <p>13 Q And then once you determined that it was a</p> <p>14 comparative jurisdiction, then you would have to</p> <p>15 apportion percentages of fault; correct?</p> <p>16 A Yes.</p> <p>17 Q And that would impact how much ultimately</p> <p>18 would get paid; correct?</p> <p>19 A Yes.</p> <p>20 Q Okay. Now, going back to the</p> <p>21 jurisdictions that you were responsible for, was</p> <p>22 Texas one of them?</p> <p>23 A No.</p> <p>24 Q Florida was one of them?</p> <p>25 A Yes.</p>	<p style="text-align: right;">41</p> <p>1 M. ESTRADA</p> <p>2 A I have no idea. I really don't know which</p> <p>3 states they handled.</p> <p>4 Q Did you have to take a test to get</p> <p>5 licensed in Florida?</p> <p>6 A In Florida, no.</p> <p>7 Q You said you're also licensed in Texas?</p> <p>8 A Mm-hmm.</p> <p>9 Q I'm sorry. You have to answer yes or no.</p> <p>10 A Yes, I'm sorry.</p> <p>11 Q Do you have to take a test to get licensed</p> <p>12 in Texas?</p> <p>13 A Yes.</p> <p>14 Q And what kinds of things were you tested</p> <p>15 on?</p> <p>16 A It's been so many years ago. I can't</p> <p>17 remember what -- about coverage. You know, there</p> <p>18 had to be coverage in order for there to be a claim,</p> <p>19 and just different questions.</p> <p>20 Q And we'll get back to coverage in a</p> <p>21 minute. But you mentioned that one of the</p> <p>22 jurisdictions that you were responsible for was</p> <p>23 California?</p> <p>24 A Yes.</p> <p>25 Q Did you have to be trained in California?</p>

<p style="text-align: right;">42</p> <p>1 M. ESTRADA</p> <p>2 A No. Well, I was never trained in --</p> <p>3 Q You were never trained.</p> <p>4 Have you ever heard of Grundy claims?</p> <p>5 A No.</p> <p>6 Q So you were never asked to handle a Grundy</p> <p>7 claim when you were at Philadelphia?</p> <p>8 A I have never heard that. I have no idea</p> <p>9 what that is. I'm sorry.</p> <p>10 Q Did you have a certain amount of authority</p> <p>11 for which you could settle claims?</p> <p>12 A We were told ten thousand dollar limit.</p> <p>13 Q Who told you that?</p> <p>14 A Mona and Rodger.</p> <p>15 Q And when you say "we were told," she told</p> <p>16 you that your limit was \$10,000?</p> <p>17 A Yes.</p> <p>18 Q Did she tell you how she arrived at</p> <p>19 \$10,000?</p> <p>20 A No.</p> <p>21 Q Did she tell you how the \$10,000 was set?</p> <p>22 A No.</p> <p>23 Q Did you have any role in setting the</p> <p>24 authority for any of the other claims examiners --</p> <p>25 A No.</p>	<p style="text-align: right;">44</p> <p>1 M. ESTRADA</p> <p>2 A I've never heard of it until I went to</p> <p>3 Philadelphia and I was interviewing. They told me</p> <p>4 it would be for the Fast Track group. They just</p> <p>5 started it there in the Addison office and Mona was</p> <p>6 recently promoted to be a supervisor and that was</p> <p>7 going to be her group.</p> <p>8 Q And did she supervise claims examiners</p> <p>9 that handled claims other than Fast Track claims?</p> <p>10 A No.</p> <p>11 Q Are you sure?</p> <p>12 A As far as I know, yes, I'm sure.</p> <p>13 Q Do you know anything about the background</p> <p>14 and experience of any of the other claims examiners</p> <p>15 that worked for Mona during the time that you were</p> <p>16 there?</p> <p>17 A Just from speaking to them, how many years</p> <p>18 they've been in the business of handling claims.</p> <p>19 Q Do you know anything about what the</p> <p>20 authority limit was for any of the other claims</p> <p>21 examiners?</p> <p>22 A No. No, I didn't ask them that.</p> <p>23 Q So they could have had more or less</p> <p>24 authority than you; correct?</p> <p>25 A Yes.</p>
<p style="text-align: right;">43</p> <p>1 M. ESTRADA</p> <p>2 Q -- in the office?</p> <p>3 A I'm sorry. No.</p> <p>4 Q Did you have a role in setting the</p> <p>5 authority for any of the other claims examiners in</p> <p>6 any of the other offices?</p> <p>7 A No.</p> <p>8 Q Do you know how many other offices, if</p> <p>9 any, had claims examiners that handled Fast Track</p> <p>10 claims?</p> <p>11 A I just know that Philadelphia's office had</p> <p>12 Fast Track claims examiners there.</p> <p>13 Q And how do you know that?</p> <p>14 A From the list of -- that we've had of all</p> <p>15 the employees. It would say "Fast Track."</p> <p>16 Q And did any claims examiners in</p> <p>17 Philadelphia handle personal injury claims?</p> <p>18 A No. Not that I'm aware of.</p> <p>19 Q It's possible that they did and you might</p> <p>20 not know?</p> <p>21 A Correct.</p> <p>22 Q Have you ever talked to any of the claims</p> <p>23 examiners in Philadelphia about what they did?</p> <p>24 A No.</p> <p>25 Q Who told you about the term "Fast Track"?</p>	<p style="text-align: right;">45</p> <p>1 M. ESTRADA</p> <p>2 Q Do you know who determines how much the</p> <p>3 settlement authority or how much authority a</p> <p>4 particular claims examiner has?</p> <p>5 A No.</p> <p>6 Q Do you know what the factors are that go</p> <p>7 into making that determination?</p> <p>8 A No.</p> <p>9 Q Let's talk about what you did when a claim</p> <p>10 would come in.</p> <p>11 First of all, where would you get the</p> <p>12 claim from?</p> <p>13 A It would come into our Image Right system.</p> <p>14 Come in as a task.</p> <p>15 Q Well, who assigned a particular claim to</p> <p>16 you?</p> <p>17 A Home office.</p> <p>18 Q And when you say your Image Right system,</p> <p>19 what do you mean by that?</p> <p>20 A It's a program where scanned items are</p> <p>21 stored. It holds electronic files as well as</p> <p>22 scanned items.</p> <p>23 Mail also goes into that same system.</p> <p>24 Q Is it essentially an electronic storage</p> <p>25 system?</p>

<p style="text-align: right;">46</p> <p>1 M. ESTRADA</p> <p>2 A Correct.</p> <p>3 Q It doesn't generate documents; correct?</p> <p>4 A No, it does not. Not that I'm aware of.</p> <p>5 Q Okay. You either scan a document and</p> <p>6 place it in Image Right, or you place an electronic</p> <p>7 file in Image Right; correct?</p> <p>8 A Yes.</p> <p>9 Q So it's the equivalent of like a storage</p> <p>10 room for electronic versus paper documents?</p> <p>11 A Correct.</p> <p>12 Q And if you had a paper document that you</p> <p>13 wanted to store in Image Right, you would scan it</p> <p>14 and just put it into the system?</p> <p>15 A Yes.</p> <p>16 Q So when you refer to it by a program, what</p> <p>17 did you mean?</p> <p>18 A It's a program like Word or Excel.</p> <p>19 They're a program, Word document program, but Image</p> <p>20 Right is a program that houses that information or</p> <p>21 those files.</p> <p>22 Q Well, other than storing files, what else</p> <p>23 does Image Right do?</p> <p>24 A Gives out reports.</p> <p>25 Q Does Image Right decide where to store a</p>	<p style="text-align: right;">48</p> <p>1 M. ESTRADA</p> <p>2 A It's just home office reports. I honestly</p> <p>3 couldn't tell you specifically what kind of reports.</p> <p>4 Q Well, what would be in the report?</p> <p>5 A I don't know. I've never really seen one.</p> <p>6 Q Where does the information come from that</p> <p>7 goes into the report?</p> <p>8 A From Image Right.</p> <p>9 Q Well, where in Image Right?</p> <p>10 A I don't know. I didn't build the program.</p> <p>11 I have no idea where it comes from.</p> <p>12 Q Give me an example of what would be</p> <p>13 contained in one of these reports?</p> <p>14 A I've never seen one of the reports, so I</p> <p>15 don't know.</p> <p>16 Q Okay. So you've never seen a report from</p> <p>17 Image Right; is that correct?</p> <p>18 A Not that I recall. Yes.</p> <p>19 Q So you don't know what, if anything, would</p> <p>20 be in that kind of a report, assuming that a report</p> <p>21 was generated from Image Right; correct?</p> <p>22 A Correct.</p> <p>23 Q Okay. So going back to what happens when</p> <p>24 you get notified of a claim, you said Image Right</p> <p>25 sets it up or sends you something, a task. I didn't</p>
<p style="text-align: right;">47</p> <p>1 M. ESTRADA</p> <p>2 particular file within its system?</p> <p>3 A Um, no. You usually tell it, you know,</p> <p>4 what's -- assign a claim number. Everything has a</p> <p>5 claim number that goes for that claim.</p> <p>6 Q So somebody -- if I want to put something</p> <p>7 in Image Right, I either -- if it's a new claim, I</p> <p>8 give it a claim number; is that right?</p> <p>9 A Yes.</p> <p>10 Q Or if it's a document that's related to an</p> <p>11 existing claim, I have to note whatever the claim</p> <p>12 number is it -- I have to note whatever the claim</p> <p>13 number is on the document and then the person</p> <p>14 inputting the document decides where it gets stored;</p> <p>15 correct?</p> <p>16 A Yes. It goes into that claim --</p> <p>17 Q Okay.</p> <p>18 A -- that claim number folder.</p> <p>19 Q Image Right does not make a determination</p> <p>20 about where to store --</p> <p>21 A No.</p> <p>22 Q -- documents; correct?</p> <p>23 A Yeah. Correct.</p> <p>24 Q Okay. When you said it generates reports,</p> <p>25 what kind of a report are you talking about?</p>	<p style="text-align: right;">49</p> <p>1 M. ESTRADA</p> <p>2 understand your answer. Explain to me exactly what</p> <p>3 would happen. How would you know that you have a</p> <p>4 new claim?</p> <p>5 A I have to go in and check it every so</p> <p>6 often to see if anything -- mail, or anything was</p> <p>7 put into that Image Right folder.</p> <p>8 Every adjuster has their own folder</p> <p>9 that the admin people in home office sends some --</p> <p>10 whatever they need, their mail and some new claims,</p> <p>11 whatever, it's all in that Image Right system.</p> <p>12 Q Okay. So Michael Estrada has a folder in</p> <p>13 Image Right?</p> <p>14 A Mm-hmm.</p> <p>15 Q Is that right?</p> <p>16 A Yes.</p> <p>17 Q And then within that folder there are</p> <p>18 separate folders set up by claim for each of the</p> <p>19 claims that you're handling?</p> <p>20 A Yes.</p> <p>21 Q And documents get put into the appropriate</p> <p>22 folder depending on the claim number; is that right?</p> <p>23 A Yes.</p> <p>24 Q And whomever is putting the document into</p> <p>25 the storage system determines what folder it goes</p>

<p style="text-align: right;">58</p> <p>1 M. ESTRADA</p> <p>2 order to do that, there were times when you might</p> <p>3 not be familiar with the law in a particular state</p> <p>4 and you had to go look it up to see who would be --</p> <p>5 who's liable in the situation that you're presented</p> <p>6 with?</p> <p>7 A On rare occasion. I mean, normally it was</p> <p>8 parking lot accidents. Insured backed into a parked</p> <p>9 car.</p> <p>10 Q So normally you knew?</p> <p>11 A Yeah. Yeah. Because it was in Fast</p> <p>12 Track. I mean, it was mostly quick claims that --</p> <p>13 simple accidents.</p> <p>14 Q Okay. But there were times when you</p> <p>15 didn't know; is that right?</p> <p>16 A There were occasions, yeah, that a claim</p> <p>17 would come up. If I wasn't sure, I would usually</p> <p>18 ask my supervisor. She's more knowledgeable and</p> <p>19 more experienced.</p> <p>20 Q But you could ask your supervisor or you</p> <p>21 could consult the driving manual --</p> <p>22 A Yes.</p> <p>23 Q -- for the particular state; correct?</p> <p>24 A Yes.</p> <p>25 Q And that was a decision that you made,</p>	<p style="text-align: right;">60</p> <p>1 M. ESTRADA</p> <p>2 A Correct.</p> <p>3 Q And most times the damage was small?</p> <p>4 A Yes.</p> <p>5 Q Is that right?</p> <p>6 And part of what you had to determine</p> <p>7 is how much the damage was; correct?</p> <p>8 A No. The appraiser would do that.</p> <p>9 Q Well, in every situation, were you</p> <p>10 supposed to get an appraiser?</p> <p>11 A Absolutely.</p> <p>12 Q Even if it was under \$2,000?</p> <p>13 A Absolutely.</p> <p>14 Q And so it's your testimony here today that</p> <p>15 you always got an appraiser?</p> <p>16 A I always got an estimate.</p> <p>17 Q You always got an estimate?</p> <p>18 A Yeah. If it was under a couple of</p> <p>19 thousand, then we were allowed to have the insured</p> <p>20 or the claimant get an estimate from a local body</p> <p>21 shop.</p> <p>22 Q Okay. So the claim comes in. You would</p> <p>23 check to see if there was coverage; correct?</p> <p>24 A Yes.</p> <p>25 Q Okay. And then you would check to see if</p>
<p style="text-align: right;">59</p> <p>1 M. ESTRADA</p> <p>2 right?</p> <p>3 A Yes.</p> <p>4 Q Now, you were talking about the types of</p> <p>5 accidents.</p> <p>6 Most of the accidents that you</p> <p>7 handled were accidents that were worth about how</p> <p>8 much money?</p> <p>9 A A couple thousand; three, four, 5,000.</p> <p>10 Q Small, right?</p> <p>11 A Yes.</p> <p>12 Q Okay. Can you give me a sense of what</p> <p>13 kinds of things you'd be handling?</p> <p>14 A As?</p> <p>15 Q You said a parking lot accident.</p> <p>16 Somebody --</p> <p>17 A Insured backed into a parked vehicle. Um,</p> <p>18 normally we hit a parked car.</p> <p>19 Q So normally either your person hit a</p> <p>20 parked car or somebody hit your insured?</p> <p>21 A Correct.</p> <p>22 Q Or how about if somebody broke into a car?</p> <p>23 A Yes.</p> <p>24 Q So there'd be -- it all centered on damage</p> <p>25 to the car?</p>	<p style="text-align: right;">61</p> <p>1 M. ESTRADA</p> <p>2 there was liability?</p> <p>3 A Yes.</p> <p>4 Q Okay. And then you said that -- would you</p> <p>5 call the insured?</p> <p>6 A Yes.</p> <p>7 Q And why were you calling the insured?</p> <p>8 A To get the statement from the driver on</p> <p>9 what happened. Usually, they say I backed into a</p> <p>10 vehicle. You know, whatever happened in the</p> <p>11 accident.</p> <p>12 Q Did you ever have situations where the</p> <p>13 insured said it wasn't their fault?</p> <p>14 A Yes.</p> <p>15 Q And how often would that happen?</p> <p>16 A On occasion.</p> <p>17 Q And what happened; what were you supposed</p> <p>18 to do then?</p> <p>19 A I'd talk to the claimant and see their</p> <p>20 side of the story. A lot of times there's a police</p> <p>21 report, which we would go by that, the police</p> <p>22 report. Being that it was a commercial insurance, a</p> <p>23 lot of the companies made sure that the drivers</p> <p>24 always got a police report, so that was really</p> <p>25 helpful.</p>

<p style="text-align: right;">62</p> <p>1 M. ESTRADA</p> <p>2 Q Okay. So you would talk to your insured;</p> <p>3 if your insured said it wasn't their fault, then you</p> <p>4 might reach out and talk to the other party?</p> <p>5 A Yeah.</p> <p>6 Q And what would you do if there was a</p> <p>7 disagreement between two parties about what</p> <p>8 happened?</p> <p>9 A Conflicting statements and there's no</p> <p>10 independent witnesses, then we would side with our</p> <p>11 insured.</p> <p>12 Q Okay. And you made the decision to side</p> <p>13 with your insured?</p> <p>14 A That's just something we're supposed to</p> <p>15 do.</p> <p>16 Q Well, did you ever have any situations</p> <p>17 where you felt that the person, the non-insured, had</p> <p>18 the more credible story?</p> <p>19 A No. If there's conflicting statements and</p> <p>20 no evidence to confirm that my insured was at fault,</p> <p>21 I would side with my insured.</p> <p>22 Q Now, when you say "no evidence," what kind</p> <p>23 of evidence?</p> <p>24 A Witnesses. If the damages didn't support</p> <p>25 what the insured claimed.</p>	<p style="text-align: right;">64</p> <p>1 M. ESTRADA</p> <p>2 A If the police report says this person was</p> <p>3 at fault, which a lot of times it does.</p> <p>4 Q So you would follow the police report?</p> <p>5 A Correct.</p> <p>6 Q So if you have conflicting statements,</p> <p>7 then you would ask whether there was a police</p> <p>8 report?</p> <p>9 A No. I'd ask that regardless.</p> <p>10 Q Okay. So you always ask for the police</p> <p>11 report?</p> <p>12 A If there's a police report.</p> <p>13 Q Okay. You said that you would ask if</p> <p>14 there had been independent witnesses. Who would you</p> <p>15 ask that question of?</p> <p>16 A Both the insured and the claimant.</p> <p>17 Q And what happens if there are independent</p> <p>18 witnesses?</p> <p>19 A I would contact them and see what they</p> <p>20 saw.</p> <p>21 Q Okay. So then you'd talk to the</p> <p>22 independent witnesses?</p> <p>23 A Correct.</p> <p>24 Q So who decides in that situation if the --</p> <p>25 once you talked to the independent witness, what do</p>
<p style="text-align: right;">63</p> <p>1 M. ESTRADA</p> <p>2 Q So if you have conflicting statements,</p> <p>3 then you'd have to determine whether or not there's</p> <p>4 other evidence; is that right?</p> <p>5 A Well, hopefully by then, you know, you</p> <p>6 know all the evidence.</p> <p>7 Q But you would -- I assume you have to get</p> <p>8 the evidence or look for the evidence; correct?</p> <p>9 A Yeah. As in evidence, was there any</p> <p>10 witnesses.</p> <p>11 Q Okay.</p> <p>12 A Independent witness.</p> <p>13 Q And how would you find out if there was</p> <p>14 any witnesses?</p> <p>15 A Asking both the driver and the claimant if</p> <p>16 there were any independent witnesses. Was there a</p> <p>17 police report done. If none exists, then I would</p> <p>18 side with my insured, if the statements were</p> <p>19 conflicting.</p> <p>20 Q Okay. Let's go one step at a time then.</p> <p>21 So if there's a police report, what</p> <p>22 would you do?</p> <p>23 A I'd go by the police report.</p> <p>24 Q You say you'd go by the police report.</p> <p>25 What does that mean?</p>	<p style="text-align: right;">65</p> <p>1 M. ESTRADA</p> <p>2 you do then?</p> <p>3 A Whichever they corroborate whose story,</p> <p>4 that's who I go with.</p> <p>5 If the witness says the insured</p> <p>6 backed into the claimant's car, then -- and the</p> <p>7 claimant is saying that the insured backed into his</p> <p>8 car, you got two people saying the same thing, then</p> <p>9 that's what you go with.</p> <p>10 Q So you'd make a judgment that if two</p> <p>11 people --</p> <p>12 A Versus the one, correct.</p> <p>13 Q And that in your judgment is you believe</p> <p>14 the two people?</p> <p>15 A Yes.</p> <p>16 Q Okay. Now, you said before that sometimes</p> <p>17 the damage didn't support the determination.</p> <p>18 A Didn't support the --</p> <p>19 Q The story. Okay. Yeah, what do you mean</p> <p>20 by that?</p> <p>21 A Just, I've had people, like -- I had an</p> <p>22 insured that was parked and she said somebody backed</p> <p>23 into her car, but then she's claiming damages to the</p> <p>24 front of the vehicle.</p> <p>25 The other side is like, well, I mean,</p>

<p style="text-align: right;">66</p> <p>1 M. ESTRADA</p> <p>2 you can tell where the car was backed into, but</p> <p>3 you're claiming these damages. It just -- it</p> <p>4 doesn't make sense.</p> <p>5 Q So in that situation you made a</p> <p>6 determination that the insured wasn't telling the</p> <p>7 truth?</p> <p>8 A Correct.</p> <p>9 Q Okay. And you would deny coverage based</p> <p>10 on that?</p> <p>11 A No. I wouldn't deny coverage. I wouldn't</p> <p>12 pay for the damages that didn't support --</p> <p>13 Q Okay. So then you'd have to decide which</p> <p>14 damages, if any, actually supported the claim?</p> <p>15 A Yeah. And the appraiser would usually</p> <p>16 tell us, "Well, they're trying to say this damage</p> <p>17 was also caused in that accident, but I don't</p> <p>18 believe that it could have been, judging by that."</p> <p>19 Because they're the ones -- the appraiser's the ones</p> <p>20 looking at the vehicle, and they can tell, you know,</p> <p>21 if a vehicle was hit, by their experience, and say,</p> <p>22 it's not possible to cause that other damage.</p> <p>23 Q So the appraiser comes back and tells you</p> <p>24 that the damage is in a place that does make sense,</p> <p>25 in terms of the story, and then you determine, okay,</p>	<p style="text-align: right;">68</p> <p>1 M. ESTRADA</p> <p>2 Mona?</p> <p>3 A The estimates amounts; how the accident</p> <p>4 happened; you know, what I believe to be how the</p> <p>5 accident happened. I would ask her what she</p> <p>6 thought.</p> <p>7 Q So you would go to Mona and say, this is</p> <p>8 what I believe happened, and would you tell her who</p> <p>9 you thought was at fault and how much and why?</p> <p>10 A Yes.</p> <p>11 Q So you'd make a recommendation to her?</p> <p>12 A Correct.</p> <p>13 Q Okay. And did she always adopt your</p> <p>14 recommendations?</p> <p>15 A No. No. Not always.</p> <p>16 Q And can you think of any examples, sitting</p> <p>17 here today, when she didn't accept your</p> <p>18 recommendation?</p> <p>19 A Um, it's not that she just flat out</p> <p>20 didn't. She just thought, well, it's not worth it.</p> <p>21 Just go ahead and pay the whole claim.</p> <p>22 Q And how many times did that happen?</p> <p>23 A I couldn't tell you.</p> <p>24 Q More than five?</p> <p>25 A Yes. I'm sure.</p>
<p style="text-align: right;">67</p> <p>1 M. ESTRADA</p> <p>2 I'm going to go with what the appraiser says?</p> <p>3 A Correct.</p> <p>4 Q Okay. Have you had situations where the</p> <p>5 claimant is more credible, tells a story that makes</p> <p>6 more sense than what your insured is telling you?</p> <p>7 A Not that I recall, no.</p> <p>8 Q Um, usually it's by, you know, police</p> <p>9 report, if there is one, but if -- the only time I</p> <p>10 would think that would happen if the damages that</p> <p>11 the insured's saying just didn't match, if it just</p> <p>12 didn't make sense like that, then, you know, yeah, I</p> <p>13 think the claimant probably would be more credible.</p> <p>14 Q And then you'd side with the claimant --</p> <p>15 A Yes.</p> <p>16 Q -- or you'd decide that the claimant was</p> <p>17 more credible?</p> <p>18 A Yes.</p> <p>19 Q Okay. Now, what if they both had some</p> <p>20 degree of fault; what did you do then?</p> <p>21 A I would usually ask Mona, see what she</p> <p>22 thought. See if she wanted comparative negligence</p> <p>23 on that.</p> <p>24 Q You say you usually ask Mona.</p> <p>25 What information would you bring to</p>	<p style="text-align: right;">69</p> <p>1 M. ESTRADA</p> <p>2 Q How many claims did you handle that were</p> <p>3 more than \$10,000?</p> <p>4 A Very few. But there were some, but not a</p> <p>5 whole lot.</p> <p>6 Q Now, once you talked to your insured the</p> <p>7 first time, how many other times would you talk to</p> <p>8 the insured?</p> <p>9 A If I had more questions. It really</p> <p>10 depends on -- on the -- depends on if there was any</p> <p>11 other questions, or if the claimants had something,</p> <p>12 I just wanted to confirm with the insured.</p> <p>13 Q So you might go back to the insured and</p> <p>14 say, "I spoke to the claimant. They're saying</p> <p>15 something different," and get the insured's view</p> <p>16 again?</p> <p>17 A Correct.</p> <p>18 Q Right. And would you ever talk to the</p> <p>19 insured about what you'd learn from third-party</p> <p>20 witnesses?</p> <p>21 A Yes.</p> <p>22 Q So part of your job was really to</p> <p>23 investigate what happened?</p> <p>24 A Yes. Yes.</p> <p>25 Q Are you familiar with the concept of</p>

<p style="text-align: right;">70</p> <p>1 M. ESTRADA</p> <p>2 betterment?</p> <p>3 A Yeah. Isn't that like when -- take a</p> <p>4 tire, you know, a tire. We're going to give</p> <p>5 somebody a brand new tire, but the tire that they</p> <p>6 had on their vehicle before was older, a lot older,</p> <p>7 wasn't new. So you would take betterment to be more</p> <p>8 even as to what they had.</p> <p>9 Q So you would reduce what you were going to</p> <p>10 pay them?</p> <p>11 A Yes.</p> <p>12 Q And did you?</p> <p>13 A The appraiser would do that.</p> <p>14 Q The appraiser would come to you with a</p> <p>15 recommendation about that?</p> <p>16 A It would be on their -- their estimate.</p> <p>17 Q And would you make a determination as to</p> <p>18 whether to go along with what the appraiser said, or</p> <p>19 not?</p> <p>20 A I always go along with what the appraiser</p> <p>21 says.</p> <p>22 Q I understand that you're saying that you</p> <p>23 always went along with it, but each time you decided</p> <p>24 whether to go along with it or not; correct?</p> <p>25 MS. COHEN: Objection. Asked and</p>	<p style="text-align: right;">72</p> <p>1 M. ESTRADA</p> <p>2 your opinion about some of their claims?</p> <p>3 A Well, not to -- to make the decision for</p> <p>4 them. Just to say, "Hey, you know, what do you</p> <p>5 think about this? I don't know if the insured's</p> <p>6 telling the truth." You know, just talking.</p> <p>7 Q So other claims examiners were trying to</p> <p>8 make a decision about a particular claim and they</p> <p>9 might come and ask you your opinion?</p> <p>10 A Yeah.</p> <p>11 Q And did you do the same thing?</p> <p>12 A Yeah.</p> <p>13 Q So if you were trying to make a decision</p> <p>14 about a particular claim, you might seek out the</p> <p>15 opinion of one of your claims examiners; is that</p> <p>16 right?</p> <p>17 A No. Just talking to them. Just to see</p> <p>18 what they think, you know.</p> <p>19 It wasn't to -- because I couldn't</p> <p>20 make the decision. Just, you know, "Hey, what do</p> <p>21 you think about this?"</p> <p>22 Q Because you felt that you could make the</p> <p>23 decision on any particular claim?</p> <p>24 A Yeah, usually, yes.</p> <p>25 Q Were there times when -- you said for some</p>
<p style="text-align: right;">71</p> <p>1 M. ESTRADA</p> <p>2 answered.</p> <p>3 THE WITNESS: I always go with what the</p> <p>4 estimate is.</p> <p>5 BY MS. BLOOM:</p> <p>6 Q So you made a decision to always go --</p> <p>7 A I was never told not to.</p> <p>8 Q Did anybody tell you to always go with the</p> <p>9 appraiser?</p> <p>10 A No.</p> <p>11 Q So that was something that you decided for</p> <p>12 yourself, because it made sense?</p> <p>13 A It's something we always did. We were</p> <p>14 never told otherwise.</p> <p>15 Q When you say, it's something that you</p> <p>16 always did, what knowledge, if any, do you have</p> <p>17 about how other claims examiners handled an</p> <p>18 appraiser report?</p> <p>19 A By talking to them.</p> <p>20 Q Are you -- when you say "by talking to</p> <p>21 them," what do you mean by that?</p> <p>22 A We talk to each other about claims that</p> <p>23 we've had; sometimes to get an opinion from them on</p> <p>24 what they thought about it.</p> <p>25 Q So other claims examiners would seek out</p>	<p style="text-align: right;">73</p> <p>1 M. ESTRADA</p> <p>2 claims where the damage was like under a couple</p> <p>3 thousand dollars, where the insured might go out and</p> <p>4 get their own appraisal; is that right?</p> <p>5 A Yes.</p> <p>6 Q Did you get an independent appraisal in</p> <p>7 those cases, also?</p> <p>8 A No.</p> <p>9 Q And did you always agree with what the</p> <p>10 insured's appraisal said?</p> <p>11 A Yeah. Pretty much. Unless there was some</p> <p>12 obvious, um -- you know, if -- if, um, the damages</p> <p>13 are claimed on the left side and then there's</p> <p>14 something on the right side that the estimate is</p> <p>15 willing to repair, then I would call the body shop</p> <p>16 and ask them, "How does that fit with the impact</p> <p>17 over here?"</p> <p>18 Q The impact on the other side?</p> <p>19 A Correct.</p> <p>20 Q And then you might decide to pay a lesser</p> <p>21 amount?</p> <p>22 A Yeah.</p> <p>23 Q And you'd make that decision?</p> <p>24 A No. No. I would usually ask Mona what</p> <p>25 she thought, because I'm really not that great with</p>

<p style="text-align: right;">74</p> <p>1 M. ESTRADA</p> <p>2 estimates.</p> <p>3 Q So you would go to Mona and you'd say,</p> <p>4 "I've investigated. This is what I found out. This</p> <p>5 is when I think we should do. What do you think?"</p> <p>6 A Yes.</p> <p>7 Q Okay. So you'd make a recommendation?</p> <p>8 A Yes.</p> <p>9 Q Now, when you were going through this</p> <p>10 process, would you keep notes of what you were</p> <p>11 doing?</p> <p>12 A If speaking to people. Depends what type</p> <p>13 of notes.</p> <p>14 Q Did you -- every time you talked to the</p> <p>15 insured, or a claimant, or an appraiser, did you</p> <p>16 make notes of that?</p> <p>17 A Yes.</p> <p>18 Q And where did you keep those notes?</p> <p>19 A In the Apps System.</p> <p>20 Q Okay. So you kept them electronically?</p> <p>21 A Correct.</p> <p>22 Q And you kept them as you went along?</p> <p>23 A Yes.</p> <p>24 Q When you talk about the Apps system, what</p> <p>25 is the Apps system?</p>	<p style="text-align: right;">76</p> <p>1 M. ESTRADA</p> <p>2 Q Okay. So you'd make the request and then</p> <p>3 it would go to home office and they'd pay it or not</p> <p>4 pay it?</p> <p>5 A Correct.</p> <p>6 Q So you could just make the request through</p> <p>7 the Apps System?</p> <p>8 A Yes.</p> <p>9 Q The Apps System didn't calculate how much</p> <p>10 any particular claim was worth, did it?</p> <p>11 A No.</p> <p>12 Q You didn't have any software that did</p> <p>13 that?</p> <p>14 A No.</p> <p>15 Q No, you had no software that did that?</p> <p>16 A Correct.</p> <p>17 Q Okay. It did not -- the Apps System did</p> <p>18 not put a value on any particular claim; is that</p> <p>19 right?</p> <p>20 A No.</p> <p>21 Q No, it did not?</p> <p>22 A It did not.</p> <p>23 Q Did you ever have any situations where an</p> <p>24 insured claimed that their car was totalled?</p> <p>25 Do you understand what I mean by</p>
<p style="text-align: right;">75</p> <p>1 M. ESTRADA</p> <p>2 A It's where the note system is. Been so</p> <p>3 long. What else does it have?</p> <p>4 You can, um, do letters and faxes</p> <p>5 from there. Well, some forms. Like a "request</p> <p>6 appraisers" and stuff from it.</p> <p>7 Q So you could type in your notes of a</p> <p>8 conversation that you had with a claimant, an</p> <p>9 insured or a witness?</p> <p>10 A Correct.</p> <p>11 Q Okay. And you could also -- what else</p> <p>12 could you do from it?</p> <p>13 A Generate like a cover fax sheet. You can</p> <p>14 generate and request for an independent appraiser.</p> <p>15 Q Like a form letter?</p> <p>16 A Yes. You could request payment from the</p> <p>17 Apps System.</p> <p>18 Q Meaning, you could say to the Apps System,</p> <p>19 I want you to issue a check for \$4,500 to this</p> <p>20 person?</p> <p>21 A Correct.</p> <p>22 Q And then a check would be issued?</p> <p>23 A It would go to home office. They would</p> <p>24 review and approve it, or whatever they needed to</p> <p>25 do.</p>	<p style="text-align: right;">77</p> <p>1 M. ESTRADA</p> <p>2 "totalled"?</p> <p>3 A Yes.</p> <p>4 Q Okay. What do I mean by "totalled"?</p> <p>5 A Where it would cost more to repair it than</p> <p>6 what the vehicle's actually worth, or a percentage</p> <p>7 of.</p> <p>8 Q And did you have claims like that?</p> <p>9 A Yes.</p> <p>10 Q And did you have to make a determination</p> <p>11 as to whether or not the car had actually been</p> <p>12 totalled?</p> <p>13 A The appraiser usually does that.</p> <p>14 They'll -- they'll -- different states have</p> <p>15 different requirements, as far as what percentage of</p> <p>16 the vehicle value before it can be considered a</p> <p>17 total loss.</p> <p>18 Q So you would figure out what state it was</p> <p>19 and then figure out what percentage of the vehicle</p> <p>20 value loss there needed to be?</p> <p>21 A No. Once -- depending on what state it</p> <p>22 is, I send an appraiser from that state to go and do</p> <p>23 an estimate on the vehicle.</p> <p>24 If their estimate for that state</p> <p>25 exceeds the total loss threshold, then they would</p>

<p style="text-align: right;">102</p> <p>1 M. ESTRADA</p> <p>2 A Yes.</p> <p>3 Q And in answering Interrogatory Number 6,</p> <p>4 you provided a breakdown of the number of overtime</p> <p>5 hours per-week that you believed you worked. And</p> <p>6 can you just look at that with me, please?</p> <p>7 A Yes.</p> <p>8 Q It's on page 5.</p> <p>9 A I've got it here.</p> <p>10 Q So in Answer to Interrogatory Number 6,</p> <p>11 you said that you worked, approximately, three to</p> <p>12 four hours of overtime per-week in 2009; is that</p> <p>13 right?</p> <p>14 A Correct.</p> <p>15 Q Does that sound accurate to you sitting</p> <p>16 here today?</p> <p>17 A As a best guess.</p> <p>18 Q Do you have any records that would reflect</p> <p>19 that?</p> <p>20 A No. No, no. Not at all.</p> <p>21 Q And then you say that in 2010, you worked</p> <p>22 five to six hours of overtime?</p> <p>23 A Correct.</p> <p>24 Q And do you have any records that would</p> <p>25 reflect that?</p>	<p style="text-align: right;">104</p> <p>1 M. ESTRADA</p> <p>2 Q Do they ever -- were they ever not -- were</p> <p>3 they ever non-electronic?</p> <p>4 A No.</p> <p>5 Q So did you always have to review those on</p> <p>6 Image Right?</p> <p>7 A No, no. It was a PDF file. I would</p> <p>8 download them to a memory stick and take them home</p> <p>9 to review them, or print them out sometimes.</p> <p>10 Q And what were you doing during the five to</p> <p>11 six hours of overtime you claim you worked per-week</p> <p>12 in 2010?</p> <p>13 A The same thing. Claim volume was higher.</p> <p>14 So there was more work that needed to be done.</p> <p>15 Q And what about in 2011?</p> <p>16 A The same.</p> <p>17 Q And when you say three to four hours a</p> <p>18 week, are you claiming that was every week?</p> <p>19 A No. No. Not every week.</p> <p>20 Q About how many weeks?</p> <p>21 A I honestly couldn't say for sure. More</p> <p>22 than half.</p> <p>23 Q And was it always three to four hours?</p> <p>24 A No. Sometimes it was a little more.</p> <p>25 Sometimes it probably could have been less.</p>
<p style="text-align: right;">103</p> <p>1 M. ESTRADA</p> <p>2 A No.</p> <p>3 Q And then you say in 2011, seven to ten</p> <p>4 hours of overtime a week?</p> <p>5 A Correct.</p> <p>6 Q Do you have any records that would reflect</p> <p>7 that?</p> <p>8 A No. I don't.</p> <p>9 Q What were you doing during these three to</p> <p>10 four hours in 2009?</p> <p>11 A Working in claims.</p> <p>12 Q Where?</p> <p>13 A I'm sorry?</p> <p>14 Q Were you working in the office?</p> <p>15 A Some -- some in the office and some</p> <p>16 from -- at home.</p> <p>17 Q What kind of work were you doing at home,</p> <p>18 or do you claim you were doing at home?</p> <p>19 A Reviewing subrogation demands and</p> <p>20 estimates that would come in the day before.</p> <p>21 Because I usually like to get those paid out the</p> <p>22 following morning.</p> <p>23 Q The subrogation demands and estimates,</p> <p>24 were they electronic?</p> <p>25 A Yes.</p>	<p style="text-align: right;">105</p> <p>1 M. ESTRADA</p> <p>2 Q Did you have vacation?</p> <p>3 A Yes.</p> <p>4 Q And how many weeks vacation did you get a</p> <p>5 year?</p> <p>6 A Two.</p> <p>7 Q And would it be fair to say that you</p> <p>8 didn't work at all on your vacation?</p> <p>9 A Correct.</p> <p>10 Q And did you have any sick time at all?</p> <p>11 A Yes.</p> <p>12 Q How much?</p> <p>13 A I believe a week or two.</p> <p>14 Q Did you take your full sick time allotment</p> <p>15 each year that you were there?</p> <p>16 A I believe so, yes.</p> <p>17 Q And would it be fair to say that you</p> <p>18 didn't work during sick time?</p> <p>19 A Yes. Correct.</p> <p>20 Q Did you take any other time off while you</p> <p>21 were working for Philadelphia?</p> <p>22 A Not that I recall offhand.</p> <p>23 Q Now, when you said in 2010 that you worked</p> <p>24 five to six hours of overtime a week, are you</p> <p>25 claiming every week?</p>

<p style="text-align: right;">106</p> <p>1 M. ESTRADA</p> <p>2 A No. No. Not every week.</p> <p>3 Q Are you claiming -- you're claiming how</p> <p>4 much; what percentage of weeks?</p> <p>5 A Seventy-five.</p> <p>6 Q And do you have any records that would</p> <p>7 reflect that?</p> <p>8 A No.</p> <p>9 Q And sitting here today, do you know that</p> <p>10 or are you just guessing?</p> <p>11 A Just guessing. Just a guess, approximate.</p> <p>12 Q And is the same true for 2011?</p> <p>13 A Correct.</p> <p>14 Q And when you say three to four hours a</p> <p>15 week, three to four hours over what total number of</p> <p>16 hours a week? Are you claim -- strike that.</p> <p>17 Are you claiming you had to work a</p> <p>18 minimum number of hours in order to get overtime?</p> <p>19 A Yes. Thirty-seven and a half hours, I</p> <p>20 believe is what we had to work.</p> <p>21 Q So when you're saying three to four hours</p> <p>22 a week, you're saying three to four hours a week</p> <p>23 over 37 and a half hours?</p> <p>24 A Correct.</p> <p>25 Q And is that the same for 2010, when you</p>	<p style="text-align: right;">108</p> <p>1 M. ESTRADA</p> <p>2 Q Is that -- would that be three weeks,</p> <p>3 total?</p> <p>4 A Yes. You could buy a week's vacation.</p> <p>5 Q So you got two weeks, and then you could</p> <p>6 buy another week?</p> <p>7 A Correct.</p> <p>8 Q Would it also be true that during your</p> <p>9 additional week in 2009, '10 and '11, you did not</p> <p>10 work when you were on vacation?</p> <p>11 A Correct.</p> <p>12 Q You resigned in December of 2011; is that</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q When was your last day of work?</p> <p>16 A December 29th, I believe.</p> <p>17 Q So you did not work in January of 2012;</p> <p>18 correct?</p> <p>19 A No.</p> <p>20 Q No, you didn't work?</p> <p>21 A Not that I recall, no. I don't believe I</p> <p>22 did.</p> <p>23 Q And you didn't work in February of 2012;</p> <p>24 is that right?</p> <p>25 A Correct.</p>
<p style="text-align: right;">107</p> <p>1 M. ESTRADA</p> <p>2 say five to six hours?</p> <p>3 A Yes.</p> <p>4 Q And the same for 2011?</p> <p>5 A Yes.</p> <p>6 Q So the base is 37 and a half hours?</p> <p>7 A Correct.</p> <p>8 Q And you understood when you took the job</p> <p>9 that regardless of whether you worked 37 and a half</p> <p>10 hours, 40 hours, 45 hours or 25 hours, you'd get the</p> <p>11 same salary?</p> <p>12 A Correct.</p> <p>13 Q And you knew you wouldn't get docked if</p> <p>14 you worked less than 37 and a half hours?</p> <p>15 A Yes. Correct.</p> <p>16 Q Can you purchase additional vacation days?</p> <p>17 A Yes.</p> <p>18 Q And did you do that?</p> <p>19 A Yes.</p> <p>20 Q How much vacation did you take in 2009?</p> <p>21 A Three weeks, I believe.</p> <p>22 Q And how about in 2010?</p> <p>23 A Three weeks, again.</p> <p>24 Q And how about in 2011?</p> <p>25 A I believe also three weeks.</p>	<p style="text-align: right;">109</p> <p>1 M. ESTRADA</p> <p>2 Q Okay. If you could look at Exhibit 2,</p> <p>3 which is your complaint.</p> <p>4 On page 12, the complaint is dated</p> <p>5 February 3rd of 2012.</p> <p>6 A Uh-huh.</p> <p>7 Q As of February 3rd of 2012, you were no</p> <p>8 longer working for the company; is that right?</p> <p>9 A That's correct.</p> <p>10 Q So if you can look at page 3, paragraph 8.</p> <p>11 Why don't you read that paragraph to</p> <p>12 yourself?</p> <p>13 A Okay.</p> <p>14 Q It says in the second sentence between</p> <p>15 June 9th, 2008 and current.</p> <p>16 As of February 3rd of 2012, you were</p> <p>17 no longer employed; correct?</p> <p>18 A Correct.</p> <p>19 Q So that statement in your complaint is</p> <p>20 inaccurate; is that right?</p> <p>21 A Yes, it is.</p> <p>22 Q Can you look at the first page of your</p> <p>23 complaint, please?</p> <p>24 A Okay.</p> <p>25 Q In the first paragraph, you talk about</p>